

FILED

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2017 FEB -7 A 11:43

CLERK OF DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Capt. James Linlor, pro se

Case No. 1:17cv13 (JCC/JFA)

Plaintiff

v.

FIRST AMENDED COMPLAINT (2/7/17)

MICHAEL POLSON,  
in his personal capacity

Defendant

Addresses:

MICHAEL POLSON

2707 Fordham Road, Alexandria, VA 22302

**DEFENDANT HAS REFUSED TO PROVIDE A CONTACT PHONE NUMBER IN VIOLATION OF CivLR 7(B). If not provided within 10 days of filing of this Complaint, Plaintiff requests this Court to assign sanctions at its discretion, or Plaintiff will move to request sanctions.**

Capt. James Linlor

PO Box 1812, Zephyr Cove, NV 89448

(775) 298-1505

FIRST AMENDED COMPLAINT

Pursuant to Court's Order of 31 January 31, 2017 and consequently FRCP 15(a)(1)(B), Plaintiff hereby refiles and concurrently amends his initial complaint to redact the combination of data elements which would create SSI information not authorized for publication and for which publication is known to potentially inflict great bodily harm or death, on the Plaintiff, Plaintiff's family, and others, as known to the Court and Defendant in this matter. Elements of previous, non-public filings by Plaintiff are therefore included herein by reference without recitation for purposes of FRCP 12 et. seq., and Plaintiff maintains claiming privilege to all referenced matters in combination with the Plaintiff's name and address as Sensitive Security Information (SSI),

1 and actionable under Federal Regulations and Nevada Revised Statutes in the jurisdiction of  
 2 Nevada against parties in this case due to parties' current non-performance of duties under color  
 3 of state law, and restricted from public disclosure as harmful against adults and minors if  
 4 published or disclosed. Contrary to the respected opinion in the Court's Order of 31 January  
 5 2017, it is not necessarily generic information per se which is SSI, but information in  
 6 combination with the Plaintiff's personally identifying information (PII), the combination and  
 7 assignment of which results in SSI, as is common in statute and practice. As such, privilege is  
 8 claimed by the Plaintiff for SSI, with no allowance for publication, dissemination, or inclusion  
 9 (except by reference without recitation) in this case's filings or testimony except as the Plaintiff  
 10 may choose to agree with pursuant to direction from jurisdictional Courts.  
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 12

### 13 COMPLAINT

14 **The claim alleged is for a violation of the Plaintiff's fundamental rights under the 4<sup>th</sup>**  
 15 **Amendment against unreasonable searches, in this case the felonious sexual striking of the**  
 16 **Plaintiff by the Defendant, and seeking monetary damages available as proscribed under**  
 17 **Bivens in such cases.**  
 18  
 19

20 **This Complaint is a Bivens action for violations of the Fourth Amendment by TSA agent**  
 21 **Michael Polson, who was arrested for aggravated (felony) sexual battery for striking an off-**  
 22 **duty pilot in the groin during a non-standard security pat down at Dulles Airport near**  
 23 **Washington, DC on March 10, 2016, and supported by numerous video and audio**  
 24 **recordings, written reports, and undisputed filings by Plaintiff (incorporated by reference)**  
 25 **in this same venue. This Complaint seeks specific damages, all monetary (as proscribed by**  
 26 **Bivens) in relief.**  
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1  
2 The claim stems from the deliberate indifference and recklessness of the Defendant Michael  
3 Polson, now properly identified as a sexual predator with sadistic, deviant habits and manners of  
4 self-pleasure, evinced and supported by his proclivity for pleasuring himself through criminal,  
5 frequent contact with other men's groins and genetalia as defined in VA 18.2-67.3 and § 18.2-  
6 67.10, from actions under color of law, in his personal (individual) capacity. Each of the  
7 preceding adjectives is required, and demonstrable through the sexual predator Michael Polson's  
8 actions of striking an innocent pilot transiting through the Defendant's TSA pre-check work area,  
9 with premeditation (as shown by having him spread his legs wider for a "clean shot"), the mere  
10 act of Michael Polson pleasuring himself by instigating contact and aggravated sexual abuse (as  
11 defined in VA 18.2-67.3 and § 18.2-67.10) with another man's groin and genitals, all in a  
12 sadistic and deviant manner. Pleasure was further evinced through the Defendant's laughter,  
13 smiling, and good humor after forcefully striking the Plaintiff (pilot) in the groin, and refusal to  
14 mitigate his actions through any apologies as would be normal and expected behavior. Sexual  
15 sadistic deviance as a sexual predator, and homosexual sexual contact which the Defendant  
16 clearly enjoys are the Defendant's own business on his own time, but are clearly outside of  
17 policy and normal procedures, inappropriate for his TSA screener job at an airport, and fervently  
18 against the Plaintiff's wishes, with no consent, and no desire ever for sexual contact by a male.  
19 Polson's actions are sufficiently outside of normal activities that Polson's mental state is also  
20 implicated, as will be demonstrated as relevant and worthy of assessment during planned  
21 Discovery. The aggravated sexual battery of the victim by the sexual predator Michael Polson  
22 was known by the Defendant to be recorded on airport security video cameras, plus in police  
23 recordings, reports, and conversations, and occurred in violation of local jurisdiction statutes VA  
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1 18.2-67.3 and § 18.2-67.10 (see Exhibit F). Defendant clearly felt so cocksure of his qualified  
2 immunity and likely cover-up by fellow TSA and airport police (MWAA) employees as to  
3 nevertheless commit an aggravated sexual battery despite multiple video recordings and potential  
4 witnesses in a high-traffic TSA checkpoint area, in retribution for Plaintiff's refusal of  
5 Defendant's unlawful order to surrender [documents previously filed with the Court and  
6 Defendant, redacted here as SSI in combination with the Plaintiff's full name, but incorporated  
7 by reference]. For Bivens, the Fourth Amendment right to be free from unreasonable searches,  
8 which in this case are applied to include an aggravated sexual abuse and battery resulting in the  
9 common law citizen's arrest of Michael Polson (Defendant) immediately thereafter by the  
10 victim, in the presence of Metropolitan Washington Airport Authority (MWAA) police and TSA  
11 officials. According to the local code (Exhibit F), this is specifically NOT a lesser charge than  
12 an aggravated sexual battery, regardless of non-witness, revisionist speculation of a potential  
13 lesser charge by colleagues of the Defendant attempting to cast aspersions while covering up  
14 their own, conspiratorial and unethical actions, as will be demonstrated by evidence in this case.  
15 Though not pled as a cause of action in this case, Plaintiff also invokes rights as per Attorney  
16 General guidance under 18 US Code § 3771 ("the Crime Victim Rights Act, or CVRA") sections  
17 A(3), A(4), A(7), and A(8), to be permitted to attend a mandatory probable cause hearing still  
18 pending since 10 March 2016, to compel production of evidence by third parties previously  
19 requested for preservation, and either withheld or illegally destroyed. Plaintiff expresses his  
20 shock and surprise at the Court's finding in its Order of 24 January 2017 that 18 US Code §  
21 3771(A)(8) for privacy for victims of felony sexual battery (in the same category per VA § 18.2-  
22 67.10 as when Michael Polson commits rape, sodomy, or penetration with a foreign object on  
23 other adult or child victims) does not rise to relevance or applicability for privacy and proceeding  
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1 via names redacted to initials (without publication of other PII, such as address and phone  
2 numbers) in this instant case. However, Plaintiff appreciates the Court's clarification of this  
3 application as de facto precedence for future cases. Since redaction is not appropriate for the  
4 victim, it is even less appropriate for the arrested sexual predator Michael Polson, justifying  
5 Discovery and disclosure of relevant evidence to be requested in the normal process of this case.  
6

#### 7 8 NATURE OF ACTION AND JURISDICTION

9 This is a complaint for a violation of civil rights ("Bivens", from the SCOTUS decision of the  
10 same name permitting causes of action against individual federal employees for Fourth  
11 Amendment violations under Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388  
12 (1971)), seeking monetary damages in relief against the Defendant in his personal capacity for  
13 committing acts, under color of law, against the rights of the Plaintiff. Federal district courts  
14 have subject-matter jurisdiction over Bivens claims under 28 U.S. Code § 1331, § 1343, § 2201  
15 and 2202, and Rule 57 of the Federal Rules of Civil Procedure.  
16

17 *Pro se* Plaintiff was deprived of his fundamental 4th Amendment Constitutional right to be to be  
18 secure in his person, against unreasonable searches and seizures; aggravated sexual assault is not  
19 within the normal scope of employment for TSA, and is therefore the violation of a fundamental  
20 right on Constitutional grounds, and not related to consensual searches or other approved job  
21 functions.  
22

23 While there is a body of law concerning excessive force and reasonableness with regards to  
24 suspects and Constitutional rights, they concern themselves with suspects and policing powers.  
25 Not only was the Plaintiff never a suspect nor in custody, but was merely an innocent traveler  
26 attempting to transit a public space, and the TSA does not have arrest or forcible search powers  
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(Solomon v. United States (559 F.2d 309 5th Cir. 1977)). This does not abrogate that a civilly-prosecutable (under Bivens) aggravated sexual battery occurred in the context of a search under color of law by the Defendant Polson.

Plaintiff is aware that case law does not obligate TSA or local police to provide police protective services to the public, and those aspects are not part of the causes of actions in this Complaint.

### CLAIMS

Pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), a plaintiff may bring a civil rights suit against federal officials in their individual capacities for damages caused by constitutional torts under color of their authority. Plaintiff claims that the sexual predator Defendant (Polson) perpetrated an aggravated sexual battery against the Plaintiff, in violation of the 4th Amendment to the US Constitution, under this codification of liability.

Constitutional and Civil Rights pursuant to Bivens: Violation of 4th Amendment as a Bivens action.

1. Each of the paragraphs of this Complaint is incorporated as if restated fully herein.
2. Plaintiff alleges that the violations occurred as a result of proximate and direct causation “under color of law” by virtue of TSA agent Michael Polson (in his individual capacity), acting outside of proscribed procedures, while in-uniform and on-duty, with deliberate indifference and recklessness (vice simply “careless indifference”).

From Bivens v. Six Defendants, “the Fourth Amendment operates as a limitation upon the exercise of federal power regardless of whether the State in whose jurisdiction that

1 power is exercised would prohibit or penalize the identical act if engaged in by a private  
2 citizen. It guarantees to citizens of the United States the absolute, fundamental right to be  
3 free from unreasonable searches and seizures carried out by virtue of federal authority.  
4 And "where federally protected rights have been invaded, it has been the rule from the  
5 beginning that courts will be alert to adjust their remedies so as to grant the necessary  
6 relief." Bell v. Hood, 327 U.S., at 684, see also Bemis Bros. Bag Co. v. United States,  
7 289 U.S. 28, 36 (1933) (Cardozo, J.); The Western Maid, 257 U.S. 419, 433 (1922)  
8 (Holmes, J.).  
9

- 10 3. Federal employees may become personally liable for constitutional deprivation by direct  
11 participation, failure to remedy wrongs after learning about it, creation of a policy or  
12 custom under which constitutional practices occur or gross negligence in managing  
13 subordinates who cause violations. (Gallegos v. Haggerty, Northern District of New  
14 York, 689 F.Supp. 93) Sexual predator Michael Polson is claimed to have become  
15 personally liable by his direct participation in the felony sexual battery, his failure to  
16 remedy the wrongs by refusing to apologize and simultaneously/concurrently laughing,  
17 smiling, and joking disparagingly about the Plaintiff (despite being asked individually by  
18 the Plaintiff for the Defendant to apologize, as well as in front of his supervisors), and his  
19 managers (through specific actions, and not *respondeat superior* such as refusing to  
20 apologize for sexual predator Michael Polson, or his managers asking Polson to  
21 apologize, and them all laughing, back-slapping each other, and outwardly encouraging  
22 deviant, malicious, sadistic, aggressive sexual behavior). This instant case claims  
23 liability by the Defendant due to his direct participation and failure to remedy wrongs  
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portions of Gallegos, by virtue of the acts and torts listed elsewhere in this complaint, and demonstrated via referenced multiple sources of evidence.

4. The 4th Amendment is applied beyond its recitation because the *pro se* Plaintiff supported a violation of his 4th Amendment rights by the ‘deliberate indifference and recklessness’ of the Defendant,’ as these are defined elsewhere in this Complaint, and supported by video (including screen captures provided in Exhibit A), audio recordings of police/victim conversations, and written police and victim’s statements, as well as evidence to be obtained in Discovery and as might be further described by Plaintiff.
5. An aggravated sexual battery qualifies as an unreasonable search (under *Graham v. Connor*) and seizure qualifies (under *California v. Hodari*) for 4th Amendment or other criminal assessment purposes and supportive in stating of a claim in either instance as a violation of the 4<sup>th</sup> Amendment under *Bivens*. Notably, even a lesser touching (“there must be either the application of physical force, however slight”) qualifies as a seizure (under *California v. Hodari*), and is especially unreasonable in the context of an aggravated sexual battery. Regardless, Plaintiff asserts that the felonious aspect of the battery is verifiable through the Plaintiff’s statements, police confirmation of the incident (battery), and via video recordings and other evidence as described above. Similar cases (under Section 1983 instead of *Bivens*, but dually applicable) have shown Defendants to mistakenly assert a seizure instead of a search, and that seizure only relates to a custodial context, as if the Plaintiff had been detained by the Defendant. Aside from the alerting concern that if the Defendant were to try to claim a seizure in this context, that the Defendant would then be claiming policing powers and while still liable, that Plaintiff pre-emptively would request to amend this claim for additional criminal consideration



1 and civil charges of the Defendant's illegal portrayal of a police officer, California v.

2 Hodari pre-emptively corrects the improper conclusion of a touching (however slight) not  
3 being a seizure in its own right, and the inapplicability of a custodial seizure requirement  
4 to the claims of this case. Whether predicated on a search or a seizure, an aggravated  
5 sexual battery is clearly a violation of the 4<sup>th</sup> Amendment Constitutional rights of the  
6 Plaintiff.  
7

8 6. Plaintiff has stated the assertion that Defendants' behavior showed deliberate indifference  
9 and recklessness. These terms are defined in case law. "Deliberate indifference" requires  
10 that a deliberate choice be made to do or not to do something. Farmer v. Brennan, Hill  
11 v. DeKalb "Recklessness" is defined as "reckless disregard of, or indifference to" an  
12 individual's rights or safety. Smith v. Wade, 103 S. Ct. 1625 (1983). For "deliberate  
13 indifference" to exist, the causal connection between the deprivation of a federal right  
14 must be such that the deprivation was a "plainly obvious consequence" of the decision.  
15 (Brown) Plaintiff asserts that it does, since the self-pleasuring contact and striking of  
16 another male in the groin by Defendant Michael Polson is clearly a deliberate choice (no  
17 groin-striking Turret's Syndrome defense has been put forth by the sexual predator  
18 Michael Polson).  
19

20  
21 7. Though this is a 4th Amendment Bivens case, pro se Plaintiff wishes to dispel any  
22 Defense shenanigans should they assert that an aggravated sexual battery is actually a due  
23 process (14<sup>th</sup> Amendment) claim, and to attempt to negate this instant action on those  
24 grounds. If the Court were to accede to such an attempt at misdirection, then pro se  
25 Plaintiff is prepared to show that Stemler and Hill have both held that deliberate  
26 indifference or recklessness are sufficient to state a claim under due process in a Section  
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1 1983 action (transferable to Bivens) demonstrating a violation of civil rights. The  
 2 complaint's use of the term "deliberate indifference" to characterize the Defendant's  
 3 failures as sufficient to state a claim holding the Defendant responsible since the  
 4 complaint through its intended 4th Amendment basis, or 14th Amendment procedural  
 5 backstop, has alleged an incontrovertible constitutional violation. *Canton v. Harris*, 109  
 6 S. Ct. 1197  
 7

### 8 9 FORFEITURE OF QUALIFIED OR OTHER IMMUNITIES

- 10 1. Qualified immunity shields government officials from personal liability for civil damages  
 11 "insofar as their conduct does not violate clearly established statutory or constitutional rights  
 12 of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818  
 13 (1982). Freedom from aggravated sexual battery (as documented in multiple evidentiary  
 14 sources described herein), is a clearly established fundamental right that a reasonable person  
 15 would have known, defeating any Defense claim of immunity based on *Harlow*.  
 16
- 17 2. Those who are plainly incompetent or who knowingly violate the law cannot invoke  
 18 qualified immunity. *Malley v. Briggs*, 475 U.S. 335 (1986). Lack of competence or willful  
 19 violation are also not dispositive, but rather affirmative of deliberate indifference or  
 20 recklessness. As described previously, striking of another male in the groin is clearly a  
 21 willful violation, but even if the sexual predator Michael Polson were to claim his own  
 22 incompetence, this would still defeat any claim to qualified immunity under *Malley*.  
 23
- 24 3. Qualified immunity for the Defendant is further defeated on two grounds:  
 25
  - 26 a. First, rather than this case being about unclaimed question about searches by TSA  
 27 being consensual, the first part of dispelling qualified immunity is that state statutes  
 28

1 (cited previously), plus the 4<sup>th</sup> Amendment to the Constitution, support the well-  
2 known illegality to strike another person in the groin, particularly in this case where  
3 the unprovoked and unwarranted attack by Michael Polson is clearly a violation of  
4 the Plaintiff's rights; and,

- 5  
6 b. Second, that the reasonableness standard (from Harlow) asserts that a reasonable pat-  
7 down by the Defendant would not have a) required the more-slender-than-average-  
8 build Plaintiff to spread his legs wider than the footprints on the pat-down mat  
9 (arguably to give the Defendant "a clearer shot" at striking the Defendant in the  
10 groin), and b) the level of force applied was unreasonable, inappropriate, and  
11 unnecessary. A reasonable screener does not act this way without deliberate  
12 indifference and recklessness. If anything, a reasonable screener would err on the  
13 side of being too gentle, and then cautiously and with permission gently increased  
14 pressure, but not in a striking manner.  
15

- 16 4. Furthermore, the subsequent behavior (laughter) by Michael Polson and documented refusal  
17 to apologize demonstrates that Polson's act was intentional (and in fact and by its legal  
18 definition, an "intentional tort,") and not even excusable via carelessness. Polson refused to  
19 attempt to cure his battery (under Gallegos) and to avoid further civil or criminal prosecution.  
20 Plaintiff explicitly attempted to de-escalate the situation (as is repeated documented in  
21 multiple TSA and police interactions), fearing precisely the humiliation, effort, public  
22 mockery, and expense involve in pursuit of a case such as this instant action. Plaintiff  
23 requested an apology immediately after the attack, and offered (in front of TSA and MWAA  
24 police) that he would allow all parties to walk away if the Defendant would apologize. The  
25 Defendant refused to do so, and his instead forced the Plaintiff through this humiliating  
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1 exercise in order to defend the Plaintiff's civil rights, and to avoid being attacked, mocked,  
 2 and injured again during future transits of airports where the Defendant may work, or where  
 3 the Defendant may relay (for example, through TSA affinity group social media) the  
 4 "opportunity" to strike, abuse, injure, and humiliate the Plaintiff, during the Plaintiff's  
 5 ongoing and frequent travels. The Defendant's sadistic, mocking laughter and refusals to  
 6 apologize therefore contribute to not only defeating qualified immunity, but also to  
 7 supporting the high monetary damages claimed as Relief.  
 8

9 5. Rebuttal of other immunities or preclusions typically asked of Bivens cases:

- 10 a. There are no "special factors counseling hesitation in the absence of affirmative  
 11 action by Congress" with regard to aggravated sexual battery, covered under the  
 12 Fourth Amendment to the US Constitution, 403 U.S., at 396; Davis v. Passman, 442  
 13 U.S. 228, 245 (1979).  
 14
- 15 b. Similarly, Congress has not provided an alternative remedy which it explicitly  
 16 declared to be a substitute for recovery directly under the Constitution and viewed as  
 17 equally effective. Bivens, supra, at 397; Davis v. Passman, supra, at 245-247. The  
 18 Federal Tort Claims Act (FTCA) is not an enforceable remedy due to its 28 USC  
 19 2680(h) exemption of claims stemming from assaults or batteries. Despite this, the  
 20 FTCA administrative process was followed to support administrative exhaustion prior  
 21 to this case's filing. Moreover, punitive damages not available in FTCA claims, are  
 22 available in state-level defendant Section 1983 actions (for a state instead of a federal  
 23 actor as defendant), Carey v. Piphus, 435 U.S. 247, 257, n. 11 (1978) as well as  
 24 Bivens claims, and Butz v. Economou, suggests that the "constitutional design"  
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1 would be stood on its head if federal officials did not face at least the same liability as  
 2 state officials guilty of the same Constitutional transgressions. 438 U.S., at 504.

### 3 4 5 EXHAUSTION

6 Prior to filing of this suit, *pro se* Plaintiff exhausted all administrative and alternate – including  
 7 through the criminal justice system’s -- remedies, also waiting for FTCA consideration (despite  
 8 its lack of a cause of action), and attempting an informal alternative dispute resolution discussion  
 9 prior to this instant action. (Exhibits D and E) Loudoun County Magistrates Kroy and Cuneen,  
 10 and Chief Magistrate Black, each refused (on the record) to accept a criminal complaint from the  
 11 victim, in violation of VA Code, and the Virginia Judicial Canon, with knowing refusal as  
 12 recorded. The local Commonwealth Attorney is also aware of these violations. The *pro se*  
 13 Plaintiff believes these to be a widespread dereliction of duty in violation of oaths worthy of  
 14 indictment! To be clear, had these officials performed even a modicum of their required job  
 15 functions, the *pro se* Plaintiff’s preference of addressing the lawlessness of the sexual predator  
 16 Michael Polson could have been handled through proper, criminal channels, commencing with  
 17 the requisite probable cause hearing. But since all the named parties participated in the criminal  
 18 attempted cover-up of Michael Polson’s crime, no hearing on the arrest of Michael Polson has  
 19 ever occurred, and it leaves the *pro se* Plaintiff no choice but to proceed with the only remaining  
 20 relief through this instant Bivens action.  
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### 25 SPECIFIC NATURE OF ACTION AND RELIEF SOUGHT

- 26 1. This is a civil rights action (“Bivens”), with remedies requested seeking  
 27 a. as yet to-be-determined incurred (retrospective) damages,  
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- 1       b. prospective monetary damages of \$800,000,
- 2       c. compensatory monetary damages of \$10,000,000 (ten million dollars) for pain and
- 3       suffering, and harm caused in requisite suffering and humiliation of having to
- 4       disclose the violent sexual battery against his person by the sadistic sexual deviant
- 5       Michael Polson,
- 6
- 7       d. punitive damages of \$20,000,000 (twenty million dollars)
- 8           i. Punitive damages are intended as a deterrent to future violations. The
- 9           aggravated sexual battery (per VA § 18.2-67.3) was committed at Dulles
- 10          Airport, located in Loudoun County, Virginia, on March 10, 2016, within the
- 11          geographic jurisdiction of the Eastern District of Virginia. Pro se Plaintiff
- 12          travels frequently through this airport for reasons including his occupation as
- 13          an airline pilot, exposing him to the risk of future injury (most notably when
- 14          he is off-duty and required to use public TSA checkpoints), since TSA
- 15          procedures often require pat-downs. Thus, the continued risk of harm is
- 16          ongoing and real; a retrospective remedy will not cure the future
- 17          constitutional deprivations, nor dissuade the sexual predator Michael Polson
- 18          nor his colleagues from becoming repeat offenders.
- 19
- 20
- 21       e. Further declaratory (injunctive) relief is not sought since SCOTUS opinions preclude
- 22       any non-damage relief in a Bivens action, but as part of exhaustion, it is noteworthy
- 23       that the County of Loudoun, Virginia, Magistrate's Office self-admittedly breached
- 24       sexual battery victim's law obligations in violation of Virginia statutes AND Virginia
- 25       Commonwealth Judicial Canon, as evinced three times in on-the-record audio
- 26       recordings plus in written documents confirmed throughout Loudoun County
- 27
- 28

1 government offices, and refused to accept a public criminal complaint against the  
2 arrested suspect Michael Polson through Loudoun County Magistrates Kroy and  
3 Cuneen. and Loudoun County Chief Magistrate Black by the *pro se* Plaintiff.

4  
5 2. All elements available for trial are requested to be heard in a trial by jury per FRCP 38(b)(1).  
6

7 BACKGROUND AND PROCEDURAL HISTORY

8 On March 10, 2016 the Plaintiff was traveling through the pre-check lane at Dulles Airport. The  
9 Plaintiff was in possession of several [documents previously filed with the Court and Defendant,  
10 redacted here as SSI with the Plaintiff's full name, but incorporated by reference]. At the entry  
11 to the pre-check area, TSA Agent Michael Polson asked the Plaintiff to surrender the  
12 aforementioned documents, so that the Plaintiff would have nothing in his pockets or hands  
13 while passing through the magnetometer (aka metal detector). This interaction was captured on  
14 video recordings at the checkpoint. The Plaintiff explained that he could not permit the  
15 documents out of his proximate custody due to [redacted as SSI, but incorporated by reference]  
16 rules, but suggested (as the Plaintiff explained was customarily allowed at other TSA  
17 checkpoints) that the Defendant simply and proximately inspect the Plaintiff's documents (which  
18 numbered six or fewer and fit within the Plaintiff's standard pocket wallet) while in front of the  
19 Plaintiff. This was unacceptable to the Defendant and resulted in a hostile response by Michael  
20 Polson, who became agitated and raised his voice at the Plaintiff, all captured on videotape, and  
21 evidence of the Defendant's unstable mental state and advance planning (malice of forethought)  
22 of an attack on the Plaintiff. The Plaintiff attempted to have the Defendant calm down and call  
23 the Defendant's supervisor; the Defendant refused, but demanded that the Plaintiff submit to a  
24 pat down on the other side of the pre-check area. The Plaintiff agreed. Next, again on video, the  
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1 Plaintiff followed the Defendant's directions and stepped on the footprints on a floor mat,  
2 identifying a standard pat down stance. Defendant Polson then changed the instructions, to  
3 instead have the Plaintiff spread his legs wider, so that the outside of each footprint now aligned  
4 with the inside of each of the Plaintiff's feet. It should be noted that the Plaintiff has an athletic  
5 build with an "excellent" category BMI, as proven through video recordings of the incident  
6 (BMI is referenced as self-evident on video, and medical records are restricted as non-dependent  
7 PII). The Plaintiff's athletic build eliminates any feeble attempt to justify Defendant's sadistic,  
8 power-hungry order to have the Plaintiff spread his legs further, as not necessary or appropriate  
9 given the obviously slim build of the Plaintiff. When the Plaintiff queried the Defendant as to  
10 why the Plaintiff should spread his legs wider than the proscribed footprints. The Defendant  
11 replied that was just the Defendant's preference. The Defendant then inspected the Plaintiff's  
12 wallet and cards while in proximity to the Defendant, and then returned the wallet to the  
13 Plaintiff, as captured on security video. But when performing a pat down a minute later, instead  
14 of following TSA pat down guidelines, the Defendant rammed his hand into the genitals of the  
15 Plaintiff, causing the Plaintiff to bend over and step away in pain. This is memorialized on the  
16 security video. The Plaintiff immediately asked the Defendant why the Defendant struck the  
17 Plaintiff, and the Defendant laughed in response and mumbled something akin to "too bad." The  
18 Plaintiff asked the Defendant to apologize, and when the Defendant refused, after 3-4 requests  
19 (including to the Defendant's supervisor), the Plaintiff asked that the police be called to  
20 investigate an aggravated sexual battery by the Defendant (Polson).  
21 The MWAA police showed up about 5 minutes later, notably NOT for the request by the  
22 Plaintiff to investigate an aggravated sexual battery, but for the false and misleading claim by  
23 TSA for "an irate passenger." (See Exhibit B) Note that the Plaintiff was not irate, and that  
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1 video evidence, plus other recordings, and written reports all confirm this early falsification and  
2 misdirection by the Defendant and his colleagues. The Defendant had been taken around a  
3 corner by co-workers, against the Plaintiff's objections – the Plaintiff was concerned and  
4 believes that the Defendant was coached in what to say to the responding police (the location and  
5 actions of all participants is memorialized on security videos.) Other TSA agents physically  
6 forced the Plaintiff to stand at a location where the view of the Defendant was obstructed (as  
7 well as by the obese body of the ordering TSA agent, who also refused to give his name and is  
8 curiously not mentioned in supposed reports of the incident and Polson's arrest, as will be  
9 confirmed as true in identification and not derogatory via the airport security videos). The police  
10 took a statement from the Plaintiff, and apparently spoke with the Defendant. The Plaintiff  
11 requested to file a complaint with the police, and the police refused to document the incident or  
12 to provide an incident # (despite as required for them to do per policy). The Plaintiff asked them  
13 to call their supervisor, and both police officers refused. At no time did the police view the tapes  
14 of the incident, contrary to their later claims that they did (see exhibit B). The police have  
15 refused to produce any corroborating evidence proving that they viewed the tapes, which is their  
16 primary argument that the aggravated sexual battery (screen captured in Exhibit A) did not  
17 occur. Again, all this is captured on security videos and verified through radio and other records.  
18 The Plaintiff attempted to obtain official ID identification of all (any) of the TSA personnel; all  
19 refused to provide any ID or real names (this was again captured on security videos, though a  
20 blond-haired female TSA supervisor, apparently from her business suit instead of a uniform, told  
21 the Plaintiff her name was "Miss Fuck". Plaintiff doubts the veracity of that claim, though this  
22 was reported to the Defendant's apparent supervisors and to the MWAA Police in recorded and  
23 written conversations, none of whom would correct or dispute her name.) Plaintiff looks  
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1 forward to reviewing the security videos so as to compel identification and to depose Miss Fuck.

2 Note that MWAA police required full PII data from Plaintiff and transmitted it on an open  
3 frequency, but did not check the felony sexual assault perpetrator for arrests or warrants (per  
4 their testimony, disclosures to date, and observed behaviors). A quick check of public records  
5 confirms that a person matching the Defendant's name, Michael Polson, has a criminal  
6 background (see Exhibit C).  
7

8 Given that the police cannot provide any exculpatory evidence of Michael Polson's aggravated  
9 sexual battery of the Plaintiff, and that multiple sources of evidence affirm the Plaintiff's  
10 allegations, Plaintiff is prepared to substantiate this to either the civil standard of preponderance  
11 of evidence (clear and convincing proof) or other proscribed standard as the Court may find  
12 appropriate in this instance.  
13

14 After attempting to resolve this matter administratively and amicably through TSA and MWAA  
15 procedures, the Plaintiff finally presented an administrative claim to the TSA in accordance with  
16 their procedures and the Federal Tort Claims Act (see Exhibit D) on 12 June 2016. The TSA  
17 responded by letter on 22 September 2016, assessing Plaintiff's claim as invalid due to the  
18 Plaintiff's use of a pseudonym on the publicly disclosable portion of the form (see Exhibits D  
19 and E), despite Plaintiff's offer of full name disclosure if restrict from public dissemination.  
20 Plaintiff immediately replied via fax and email, and reminded the TSA again on 12 November  
21 2016. After the statutory time passed, the Plaintiff is filing this instant action.  
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EXHIBIT A: Screen captures of felony sexual battery from security video

Screen captures of the felony sexual battery from one of multiple airport security videos, the full videos from multiple cameras of which demonstrate the full interaction and arrest of the sadistic sexual deviant Defendant (Michael Polson) by the Plaintiff, along with witness tampering and non-review of these tapes by responding MWAA police officers, making their report facially false, while affirming the aggravated sexual battery against the Plaintiff



EXHIBIT B: Incident report from MWAA, initially not reported

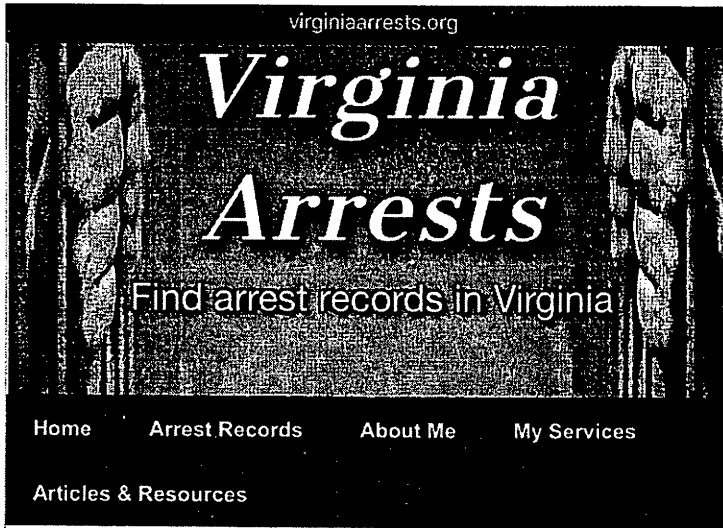
Police report (redacted by MWAA). Plaintiff observed officers and disputes any review by them of security video. They did not witness the aggravated sexual battery. Report confirms *pro se* Plaintiff's common law arrest of Defendant Polson, and that request to transfer custody to the MWAA police officers on-scene. Note that this report was not filed willingly by the police, as documented in recorded audio conversations. It was filed upon a direct order from the commanding supervisor Major Miller, after repeated exhortations and insistence from the Plaintiff.

## MWAA

Incident ID: [REDACTED]	Incident Data Sheet Report	ORI Number: [REDACTED]
Page: 8		Printed On: 3/17/2016 12:01 (Tue)
<b>Narratives</b>		
Narrative Title		
Police Information		
<input checked="" type="checkbox"/> Locked		
<b>Narrative</b>		
On Thursday, March 10, 2016, at approximately 1156 hours, I was dispatched to the TSA Pre check lane 52 for the report of an irate passenger.		
Upon my arrival, I located the individual and identified him by his [REDACTED] Operator's License as [REDACTED]. Mr. [REDACTED] stated that he was sexually assaulted by a TSA officer and pointed to the TSA officer. TSA Manager, [REDACTED], was on scene and stated that a pat down was conducted by TSA officer Michael Polson on March [REDACTED] and that normal standard operating procedures were followed.		
Mr. [REDACTED] stated that during the TSA pat down, the TSA officer forcefully "rammed" his hand in an upward motion, striking his testicles. Mr. [REDACTED] then stated that he felt like he was sexually assaulted.		
Cpl. Solo and I responded to the TSA manager's office and reviewed camera footage of the incident, which did not support Mr. [REDACTED] accusations. Cpl. Solo explained to Mr. [REDACTED] that we didn't see anything out of the ordinary on the video.		
Mr. [REDACTED] told the TSA Federal Security Director, [REDACTED], who was on scene, that he wants an apology from the TSA officer, and if he didn't receive an apology, he would make a citizen's arrest. [REDACTED] stated that no apology would be given due to no wrongdoing on TSA's part. Mr. [REDACTED] then stated he would make a citizen's arrest on the TSA officer and then pointed to myself and Cpl. Solo stating, "You will then take him into custody". I explained that I would not be taking the TSA officer to jail and that he can make a complaint with TSA, just as the director explained. [REDACTED] gave Mr. [REDACTED] an email address for his complaint. [REDACTED] told Mr. [REDACTED] that if he wanted to proceed to his flight, he would have to submit to a complete pat down. Mr. [REDACTED] agreed to the pat down by the TSA Supervisor, Mr. [REDACTED]. Cpl. Solo and I watched the second pat down, which appeared to be exactly like the first one from the video. During the second pat down, Mr. [REDACTED] asked [REDACTED] for the camera # that recorded the original pat down. Ms. [REDACTED] said she would not disseminate that information and Mr. [REDACTED] stated that the footage would be subpoenaed. [REDACTED] told Mr. [REDACTED] to let the TSA officer continue his pat down.		
An NOC/VOIN check was completed on Mr. [REDACTED] with negative results. Mr. [REDACTED] did not wish to give his phone number or social security number.		
I gave Mr. [REDACTED] my business card with the call for service # [REDACTED] and all units were clear at approximately 1230 hours. Mr. [REDACTED] continued on to his flight after speaking with TSA.		
The video footage of this incident was collected from Airport Operations and submitted as evidence in locker #8.		
On scene:		
TSA Federal Security Director - [REDACTED]		
TSA Manager - [REDACTED]		
TSA Manager - [REDACTED]		
TSA Supervisor - [REDACTED] (completed second pat down)		
TSA Screener - [REDACTED] (completed original pat down)		
Created On 3/11/2016 08:55	Created By MITCHELL	Updated On 3/17/2016 10:20
		Updated By HORTONT

EXHIBIT C: Public records criminal record for Defendant Michael Polson

Note that MWAA police required full PII data from Plaintiff and transmitted it on an open frequency, but did not check the felony sexual assault perpetrator for arrests or warrants (per their testimony and observed behaviors). A quick check of public records confirms that a person matching the Defendant's name, Michael Polson, has a criminal background.



## Search Successful - 1 Records found.

- Searched Michael Polson and found 1 records in VA
- Searched Mike Polson and found 0 records in VA

Name	Age	Location	Result
MICHAEL POLSON	49	ALEXANDRIA, VA	<a href="#">View Results</a>

EXHIBIT D: FEDERAL TORT CLAIMS ACT (FTCA) SF-95 CLAIM

Instructions: "A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY."

No restriction is made on the use of pseudonyms to protect the dignity and privacy of felony sexual assault victims, as specified by 18 USC 3771(a)(8), however, TSA paralegal Brett Barber uses this excuse without standing to deem *pro se* Plaintiff's claim invalid in a letter from 22 September 2016.

Plaintiff offered to provide his full, legal name (see Exhibit E) as long as TSA (Barber) agreed to not disclose it in public records or FOIA requests. TSA (Barber) did not reply to two requests of this nature.

Note: Email address provided in full on form; redacted here for privacy of Plaintiff.

(SF-95 form continued)

<p><b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b></p> <p>INSTRUCTIONS: Please read the instructions below carefully and supply all the information requested.</p>		<p>1. Name of Plaintiff (Last, first, middle initial, and suffix)</p> <p><b>Capt. J. L. M. D. H. L. H.</b></p>		<p>2. Name of Defendant (Last, first, middle initial, and suffix)</p> <p><b>U.S. Customs and Border Protection</b></p>	
<p>3. Date of Claim (Month, day, and year)</p> <p><b>11:40am</b></p>		<p>4. Date of Claim (Month, day, and year)</p> <p><b>11:40am</b></p>		<p>5. Date of Claim (Month, day, and year)</p> <p><b>11:40am</b></p>	
<p>6. Place of Claim (City, State, and Zip)</p> <p><b>701 South 12th Street, Arlington, Virginia 22204-6009</b></p>		<p>7. Place of Claim (City, State, and Zip)</p> <p><b>701 South 12th Street, Arlington, Virginia 22204-6009</b></p>		<p>8. Place of Claim (City, State, and Zip)</p> <p><b>701 South 12th Street, Arlington, Virginia 22204-6009</b></p>	
<p>9. Description of Claim (Briefly describe the facts of the claim, including the date, time, and place of the incident, and the nature of the damage, injury, or death.)</p> <p><b>TSA screener Michael Polson perpetrated sexual battery at the Dulles Airport pre-check area per VA code § 18-2-67.3. The battery was captured on multiple video cameras (evidence requested on 11 March 2016). Victim and witness is an off-duty FBI agent who provided a medical report supported by a TSA screener Michael Polson who provided NDA and seal without public disclosure. For CVRA 18 U.S.C. § 3771, victim is referred to by a pseudonym, but can be contacted by mail, and actual name provided under NDA and seal without public disclosure. Polson struck the victim's genitals during a non-standard pat-down, resulting in serious, sustained injuries to the claimant.</b></p>		<p>10. Description of Claim (Briefly describe the facts of the claim, including the date, time, and place of the incident, and the nature of the damage, injury, or death.)</p> <p><b>TSA screener Michael Polson perpetrated sexual battery at the Dulles Airport pre-check area per VA code § 18-2-67.3. The battery was captured on multiple video cameras (evidence requested on 11 March 2016). Victim and witness is an off-duty FBI agent who provided a medical report supported by a TSA screener Michael Polson who provided NDA and seal without public disclosure. For CVRA 18 U.S.C. § 3771, victim is referred to by a pseudonym, but can be contacted by mail, and actual name provided under NDA and seal without public disclosure. Polson struck the victim's genitals during a non-standard pat-down, resulting in serious, sustained injuries to the claimant.</b></p>		<p>11. Description of Claim (Briefly describe the facts of the claim, including the date, time, and place of the incident, and the nature of the damage, injury, or death.)</p> <p><b>TSA screener Michael Polson perpetrated sexual battery at the Dulles Airport pre-check area per VA code § 18-2-67.3. The battery was captured on multiple video cameras (evidence requested on 11 March 2016). Victim and witness is an off-duty FBI agent who provided a medical report supported by a TSA screener Michael Polson who provided NDA and seal without public disclosure. For CVRA 18 U.S.C. § 3771, victim is referred to by a pseudonym, but can be contacted by mail, and actual name provided under NDA and seal without public disclosure. Polson struck the victim's genitals during a non-standard pat-down, resulting in serious, sustained injuries to the claimant.</b></p>	
<p>12. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>13. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>14. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	
<p>15. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>16. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>17. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	
<p>18. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>19. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>20. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	
<p>21. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>22. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>23. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	
<p>24. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>25. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>26. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	
<p>27. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>28. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>29. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	
<p>30. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>31. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>		<p>32. Amount of Claim (Total amount of damages, including interest, costs, and expenses, and the amount of the settlement offer, if any.)</p> <p><b>\$500,000.00</b></p>	



**SUPPLEMENTAL INFORMATION - SF-85 CLAIM FOR DAMAGE, INJURY, OR DEATH**

1. Checkpoint Email Address: **tsa@.com**

2. Did the incident take place at (please check one):  
☒ Passenger Security Screening Checkpoint ☐ Checked Baggage Screening Location

3. At what airport and in the incident country?  
**Dulles airport**

4. Did you use a baggage, porter, baggage, or other third-party service?  
☐ YES ☒ NO

5. Was your checked baggage damaged?  
☐ YES, if yes, for handling? ☐ NO

6. If you use a Checked Baggage Incident, why do you believe the TSA was responsible?

7. Please show your COMPLETE travel itinerary (include airline names, flight numbers, dates/times, times, etc.)

8. If this is a Checked Baggage Incident, please attach your baggage receipts.

9. At the time of the incident, where was the military or a federal employee and on official duty?  
☐ YES, if so, for whom? ☐ NO

10. Did you file any type of incident report with the police, airport, TSA, or any law enforcement agency?  
☐ YES, if so, please explain and have an incident report number: ☐ NO

11. **PLEASE BE SURE TO ATTACH ALL RECEIPTS, ESTIMATES OF REPAIR, APPRAISALS, OR ANY OTHER DOCUMENTS THAT CAN SUBSTANTIATE THE VALUE OF THE ITEMS THAT WERE LOST OR DAMAGED.**

12. **FOR ALL DAMAGED BAGGAGE, YOU MUST GET A REPAIR ESTIMATE**

13. **SUBMISSION DIRECTIONS:**

1. Use the button on the right to **PRINT** this form.
2. **SAVE** this electronic PDF form for your records.
3. **SIGN** the printed form at the bottom of page 2.
4. **INCLUDE** all receipts, estimates, proof of flight documents, baggage tags, etc.
5. **MAIL** or **FAX** your printed claim and backup documentation.

14. **WRITE TO SUBMIT FORMS:** FAX: (871) 227-1904 U.S. Mail Address: TSA Claims Management Branch 701 South 12th Street • TSA S Arlington, VA 22204-6003

15. Email: TSAClaimsOffice@tsa.dhs.gov

Copy of fax copy of FTCA claim sent to TSA

16. Get Messages | Write | Chat | Address Book | Tag | Quick Filter

17. Reply | Reply All | Forward | Archive | Junk | Delete | More | ABP

18. From Me  
 Subject  
 To 15712271904. 6/12/2016 8:40 PM

19. 1 attachment: TSA Tort Claim 12 June 2016.pdf 637 KB Save

And confirmation of transmittal and successful receipt by TSA, further confirmed by reply letter of 22 September 2016

22. From  
 Subject: **CONFIRM: FAX 15712271904** 6/12/2016 8:46 PM  
 To Me

23. CONFIRMATION OF YOUR FAX TRANSMISSION  
 FAX STATUS: SUCCESSFUL TO 15712271904  
 COUNTRY: 1-NORTH AMERICA  
 TRANSMISSION: 13-Jun-2016 03:46:51 GMT.  
 3 Page(s).  
 DURATION: 2.7 Minute  
 TOTAL COST: \$0.27

### EXHIBIT E: EMAILS WITH OPEN CONTACT BETWEEN TSA AND PLAINTIFF

Note: Plaintiff's email was provided when these were sent, but was redacted for this filing.

1 **Subject:** Claim #2016071132555 - response to letter of 22 September 2016  
 2 **From:** C.JL <tsa@...com>  
**Date:** 10/12/2016 12:08 AM  
**To:** brett.barber@tsa.dhs.gov

3 **Transportation Security Administration** 11 October 2016  
**Att: Mr. Brett Barber** re: Claim #2016071132555

4 **Mr. Barber:**

I am in receipt today of your letter of 22 September 2016. You asserted that my SF-95 was legally insufficient. I am the claimant who submitted and signed the form. Based on FTCA guidelines and instructions on the SF-95, I disagree that my claim was legally insufficient, and will submit the matter for adjudication along with a civil suit on 12 December 2016 if we cannot come to an agreement.

5 I may be contacted more quickly by plain text email, though my email does not permit attachments (and automatically bounces those emails) for security reasons. You may send me longer documents via fax at . Letters sent to me require 2-3 weeks to reach me, due to my travel schedule, and should be sent via certified US mail.

6 Based on *Crumpton v. United States*, 843 F. Supp. 751, 756 (D.D.C. 1994), since personal information may be disclosed at TSA's discretion in response to FOIA requests, the only way to comply with 18 USC 3771 to safeguard the privacy of the victim (me) of a felony sexual battery, was to use a pseudonym on the SF-95, along with accurate and complete contact information (that you demonstrated you were able to use without hindrance).

7 The purpose of the 6-month waiting period in the FTCA is to permit reasonable evaluation and accommodation of claims by your agency. Since I (as the claimant and victim) have met the statutory requirements of the FTCA and the SF-95, and we have established a conduit for communication, I am glad to provide my full name after you confirm that it will not be subject to FOIA disclosure in violation of 18 USC 3771.

8 If you decide not to accept my name under this proper regulation from the DOJ, that is your decision. However, as of 12 December 2016, the 6-month waiting period (unless you deny my claim before then) will expire, and a civil suit will be filed.

9 Note also that under 5 USC 522a, the TSA has already collected my email address from the Eastern District of Virginia (Case No. 1:16-cv-00583-GBL-JFA) where my name and contact information are known to the TSA but redacted by Order of the Court. The TSA is therefore, through multiple channels, in possession of my full name and address, rendering any objection you would have as moot.

10 If you would like to proceed to evaluate my claim, I ask that you confirm the non-subjecting of any information provided to TSA for release through FOIA disclosure without a court order, and I will be glad to provide information that you may need, while redacting personally identifiable information (as well as contact information) out of an abundance of caution for privacy as previously described and supported, and to maintain compliance with the Order of the Court in the case previously listed.

11 **Regards,**

12 **/signed/**

13 **C. JL (I may be addressed as Captain JL)**

1 **Subject:** Expiry of waiting period 11 Dec 2016 -- Re: Claim #2016071132555 - response to letter  
 of 22 September 2016  
 2 **From:** C JL <tsa@i . .com>  
 3 **Date:** 11/18/2016 10:11 AM  
**To:** brett.barber@tsa.dhs.gov

4 Mr. Barber:

5 I have still not received any reply beyond your asserted rejection as to my proper claim filed  
 6 with your office. You have not addressed your standing or authority to reject use of  
 pseudonyms in public communications for victims of felony sexual battery. I have provided you  
 with the federal statute and case law permitting such practices.

7 Since we have established an open communications channel, and I have offered my full name  
 8 and contact information to you on the condition that it will not be publicly disclosed on your  
 personal liability as well as TSA's, your objections to not process my complaint are moot.

9 I remind you that the time period for us to complete an agreement expires on 11 December  
 10 2016. To minimize your costs and liability, as well as court involvement, I strongly urge you to  
 contact me as soon as possible to attempt to resolve this matter.

11 Regards,

12 /signed/

13 Capt. JL

On 10/12/2016 12:08 AM, C JL wrote:

Transportation Security Administration	11 October 2016
Att: Mr. Brett Barber	re: Claim #2016071132555

15 Mr. Barber:

16 I am in receipt today of your letter of 22 September 2016. You asserted that my SF-95 was legally  
 insufficient. I am the claimant who submitted and signed the form.

17 Based on FTCA guidelines and instructions on the SF-95, I disagree that my claim was legally insufficient,  
 and will submit the matter for adjudication along with a civil suit on 12 December 2016 if we cannot  
 come to an agreement.

18 I may be contacted more quickly by plain text email, though my email does not permit attachments (and  
 19 automatically bounces those emails) for security reasons. You may send me longer documents via fax at  
 . Letters sent to me require 2-3 weeks to reach me, due to my travel schedule, and should  
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20 Based on *Crumpton v. United States*, 843 F. Supp. 751, 756 (D.D.C. 1994), since personal information  
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 3771 to safeguard the privacy of the victim (me) of a felony sexual battery, was to use a pseudonym on  
 the SF-95, along with accurate and complete contact information (that you demonstrated you were able  
 to use without hindrance).

22 The purpose of the 6-month waiting period in the FTCA is to permit reasonable evaluation and  
 23

1 accommodation of claims by your agency. Since I (as the claimant and victim) have met the statutory  
2 requirements of the FTCA and the SF-95, and we have established a conduit for communication, I am  
3 glad to provide my full name after you confirm that it will not be subject to FOIA disclosure in violation of  
4 18 USC 3771.

5 If you decide not to accept my name under this proper regulation from the DOJ, that is your decision.  
6 However, as of 12 December 2016, the 6-month waiting period (unless you deny my claim before then)  
7 will expire, and a civil suit will be filed.

8 Note also that under 5 USC 522a, the TSA has already collected my email address from the Eastern  
9 District of Virginia (Case No. 1:16-cv-00583-GBL-JFA) where my name and contact information are  
10 known to the TSA but redacted by Order of the Court. The TSA is therefore, through multiple channels,  
11 in possession of my full name and address, rendering any objection you would have as moot.

12 If you would like to proceed to evaluate my claim, I ask that you confirm the non-subjecting of any  
13 information provided to TSA for release through FOIA disclosure without a court order, and I will be glad  
14 to provide information that you may need, while redacting personally identifiable information (as well as  
15 contact information) out of an abundance of caution for privacy as previously described and supported,  
16 and to maintain compliance with the Order of the Court in the case previously listed.

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EXHIBIT F: DEFINITION OF AGGRAVATED SEXUAL BATTERY IN VIRGINIA

The complaint meets the requirement of this part by means of elements A(4) and A(4)(b), as substantiated on security video and subsequent injuries documented by Plaintiff.

Definition of aggravated sexual battery per VA 18.2-67.3.  
Aggravated sexual battery; penalty.

A. An accused shall be guilty of aggravated sexual battery if he or she **sexually abuses** the complaining witness, and

1. The complaining witness is less than 13 years of age, or

2. The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness, or

3. The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age, or

**4. The act is accomplished against the will of the complaining witness by force, threat or intimidation, and**

a. The complaining witness is at least 13 but less than 15 years of age, or

**b. The accused causes serious bodily or mental injury to the complaining witness, or**

c. The accused uses or threatens to use a dangerous weapon.

B. Aggravated sexual battery is a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than \$100,000.

Definition of sexual abuse in Virginia's code:  
2006 Code of Virginia § 18.2-67.10 - General definitions

18.2-67.10. General definitions.

As used in this article:

1. "Complaining witness" means the person alleged to have been subjected to rape, forcible sodomy, inanimate or animate object sexual penetration, marital sexual assault, **aggravated sexual battery**, or sexual battery.

2. "Intimate parts" means the **genitalia**, anus, groin, breast, or buttocks of any person.

1 3. "Mental incapacity" means that condition of the complaining witness existing at the time of an  
2 offense under this article which prevents the complaining witness from understanding the nature  
3 or consequences of the sexual act involved in such offense and about which the accused knew or  
4 should have known.

5 4. "Physical helplessness" means unconsciousness or any other condition existing at the time of  
6 an offense under this article which otherwise rendered the complaining witness physically unable  
7 to communicate an unwillingness to act and about which the accused knew or should have  
8 known.

9 5. The complaining witness's "prior sexual conduct" means any sexual conduct on the part of the  
10 complaining witness which took place before the conclusion of the trial, excluding the conduct  
11 involved in the offense alleged under this article.

12 6. **"Sexual abuse" means an act committed with the intent to sexually molest, arouse, or  
13 gratify any person, where:**

14 **a. The accused intentionally touches the complaining witness's intimate parts or material  
15 directly covering such intimate parts;**

16 **b. The accused forces the complaining witness to touch the accused's, the witness's own, or  
17 another person's intimate parts or material directly covering such intimate parts;**

18 **c. If the complaining witness is under the age of 13, the accused causes or assists the  
19 complaining witness to touch the accused's, the witness's own, or another person's intimate parts  
20 or material directly covering such intimate parts; or**

21 **d. The accused forces another person to touch the complaining witness's intimate parts or  
22 material directly covering such intimate parts.**

1 NO ATTORNEY ASSISTED IN THE PREPARATION OF THIS DOCUMENT.

2 FRCP 11 already complied with by reference.

3 I certify that all statements are true and correct, to the best of my knowledge, under penalty of  
4 perjury.

5 JK  
6 signed

2/7/17  
date

7  
8 Addresses:

9 MICHAEL POLSON

2707 Fordham Road, Alexandria, VA 22302

10 DEFENDANT HAS REFUSED TO PROVIDE A CONTACT PHONE NUMBER IN  
11 VIOLATION OF CivLR 7(B). If not provided within 10 days of filing of this Complaint,  
12 Plaintiff requests this Court to assign sanctions at its discretion, or Plaintiff will move to request  
sanctions.

13 Capt. James Linlor

PO Box 1812, Zephyr Cove, NV 89448

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